



PATENT  
674543-2001.5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Walker et al.  
Serial No. : 10/081,787  
Filed : February 22, 2002  
For : REGULATION OF INTRACELLULAR  
GLUCOCORTICOID CONCENTRATION  
Examiner : Theodore J. Criares  
Group Art Unit : 1617

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TERMINAL DISCLAIMER

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the November 19, 2003 final Office Action, and to matters discussed with the Examiner on March 10, 2004 for which he is thanked for the courtesies extended. Enclosed herewith is a check in the amount of \$55.00 in payment of the fee for the filing of a Statutory Disclaimer by a small entity. The Commissioner is hereby authorized the charge any additional fee, or any overpayment in fees, to Deposit Account No. 50-0320.

Claims 14-21 were rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-22 of U.S. Application Serial No. 10/080,876 ("the '876 application"). For the purposes of expediting prosecution, without any

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admission, without any prejudice, without surrender of subject matter, without any intention of creating any estoppel as to equivalents, a Terminal Disclaimer as to the '876 application is herewith provided herein:

I, Thomas J. Kowalski, declare that I am the attorney of record and that I am authorized to execute terminal disclaimers on behalf of The University of Edinburgh, the assignee of the above-captioned application ("the present application") and U.S. Application Serial No. 10/080,876 ("the '876 application");

That The University of Edinburgh has a place of business at Old College, South Bridge, Edinburgh, EH8 9YL, England;

That The University of Edinburgh is the assignee of the entire right, title and interest in, to and under U.S. Patent application Serial No. 10/081,787, filed February 22, 2002 (the present application) as a divisional of U.S. Application Serial No. 09/029,535, filed February 27, 1998, now U.S. Patent No. 6,368,816 issued on April 9, 2002, by virtue of the assignment from the inventors that accompanies this Terminal Disclaimer and which will be recorded at the U.S.

Patent and Trademark Office as Reel and Frame to be assigned, on date to be determined;

That The University of Edinburgh is the assignee of the entire right, title and interest in, to and under U.S. Application Serial No. 10/080,876 (the '876 application), filed February 22, 2002, as a divisional of U.S. Application Serial No. 09/029,535, filed February 27, 1998, now U.S. Patent No. 6,368,816 issued on April 9, 2002, by virtue of the assignment from the inventors that accompanies this Terminal Disclaimer and which will be recorded at the U.S. Patent and Trademark Office as Reel and Frame to be assigned, on date to be determined;

That The University of Edinburgh hereby disclaims the terminal part of any patent granted on the present application which would extend beyond the expiration date of the full statutory term of any patent issuing from the '876 application;

That the Board of Regents hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the '876 application and any patent issuing therefrom, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors or assigns;

That no terminal part of any patent granted on the present application is disclaimed prior to the full statutory term of any patent issuing from the '876 application, in the event that said

patent issuing from the '876 application earlier expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or is terminally disclaimed under 37 C.F.R. §1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, except for the separation of legal title stated above;

In accordance with 37 C.F.R. § 3.73(b), the undersigned attorney of record, empowered to sign this Statement on behalf of the assignee, states that The University of Edinburgh, is the assignee of the entire right, title and interest in the patent and patent application identified above (the present application and the '876 application) by virtue of the assignment identified above.

And thus, that the undersigned has reviewed documents in the chain of title of the patent and patent application identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

Reconsideration and withdrawal of the double patenting rejection, consideration and entry of this paper and recordal of this Terminal Disclaimer and accompanying Assignment, and reconsideration and withdrawal of the rejection of the Final Office Action, and prompt issuance of a Notice of Allowance, are all respectfully requested; with any fee therefor or any overpayment in such fees, to be charged or credited to Deposit Account No. 50-0320.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP

By:

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